

## LEGISLATIVE BILL 162

Approved by the Governor March 9, 2005

Introduced by Stuhr, 24; Schrock, 38

AN ACT relating to the Game Law; to amend sections 37-201, 37-407, 37-411, 37-415, 37-416, 37-420, 37-421, 37-426, 37-427, 37-428, 37-429, 37-431, 37-432, 37-438, 37-447, 37-450, 37-452, 37-457, and 37-538, Reissue Revised Statutes of Nebraska; to change provisions relating to hunting and fishing permits, fees, habitat stamps, and temporary park entry permits; to provide for Nebraska migratory waterfowl stamps, lifetime aquatic habitat stamps, and auction or lottery permits as prescribed; to change a penalty; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 37-201, Reissue Revised Statutes of Nebraska, is amended to read:

37-201. Sections 37-201 to 37-811 and section 18 of this act shall be known and may be cited as the Game Law.

Sec. 2. Section 37-407, Reissue Revised Statutes of Nebraska, is amended to read:

37-407. The commission ~~shall~~ may establish fees pursuant to section 37-327 to be paid to the state for resident and nonresident hunting permits, annual fishing permits, three-day fishing permits, one-day fishing permits, combined fishing and hunting combination hunting and fishing permits, and fur-harvesting permits, and nonresident special two-day hunting permits issued for periods of two consecutive days between the fourth Wednesday in November and December 31 of the same calendar year and limited to one special two-day permit per applicant per year, as follows:

(1) Resident fees shall be (a) not less than eleven dollars and not more than thirteen dollars for hunting, (b) not less than fifteen dollars and not more than seventeen dollars and fifty cents for fishing, (c) not less than ten dollars and not more than eleven dollars and fifty cents for a three-day fishing permit, (d) not less than five dollars and not more than eight dollars for a one-day fishing permit, (e) not less than twenty-five dollars and not more than twenty-nine dollars for both fishing and hunting, and ~~(e)~~ (f) not less than fifteen dollars and not more than twenty dollars for fur harvesting; and

(2) Nonresident fees shall be (a) not less than resident fees and not more than two hundred sixty dollars for a period of time specified by the commission for fur harvesting one thousand or less fur-bearing animals and not less than fifteen dollars additional and not more than seventeen dollars and fifty cents additional for each one hundred or part of one hundred fur-bearing animals harvested, (b) (i) for persons sixteen years of age and older, not less than sixty-seven dollars and not more than eighty dollars for hunting and (ii) for persons under sixteen years of age, not less than the fee required pursuant to subdivision (1)(a) of this section for hunting, (c) not less than twenty-five dollars and not more than thirty-five dollars for a special two-day hunting permit plus the cost of a habitat stamp, (d) not less than six dollars and not more than nine dollars for a one-day fishing permit, (e) not less than fourteen dollars and not more than sixteen dollars and fifty cents for a three-day fishing permit, and ~~(d)~~ (f) not less than forty dollars and not more than forty-nine dollars and fifty cents for an annual fishing permit.

Sec. 3. Section 37-411, Reissue Revised Statutes of Nebraska, is amended to read:

37-411. (1) Unless issued a permit as required in the Game Law, it shall be unlawful:

(a) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to engage in fur harvesting or possess any fur-bearing animal or raw fur, except that a person may possess a fur-bearing animal or raw fur for up to ten days after expiration of a valid permit. Nonresident fur-harvesting permits may be issued only to residents of states which issue similar permits to residents of Nebraska;

(b) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to hunt or possess any kind of game birds, game animals, or crows;

(c) For any person who is sixteen years of age or older to hunt or possess any migratory waterfowl without a federal migratory bird hunting stamp and a Nebraska migratory waterfowl stamp as required under the Game Law and

rules and regulations of the commission; or

(d) For any person who is sixteen years of age or older to take any kind of fish, bullfrog, snapping turtle, tiger salamander, or mussel from the waters of this state or possess the same except as provided in section 37-402. All nonresident anglers under sixteen years of age shall be accompanied by a person who has a valid fishing permit.

(2) It shall be unlawful for a nonresident to hunt or possess any kind of game birds or game animals, to take any kind of fish, mussel, turtle, or amphibian, or to harvest fur with a resident permit illegally obtained.

(3) It shall be unlawful for anyone to do or attempt to do any other thing for which a permit is required by the Game Law without first obtaining such permit and paying the fee required.

(4) Any nonresident who hunts or has in his or her possession any wild mammal or wild bird shall first have a nonresident hunting permit as required under the Game Law and rules and regulations of the commission.

(5) Any nonresident who takes or has in his or her possession any wild turtle, mussel, or amphibian shall first have a nonresident fishing permit as required under the Game Law and rules and regulations of the commission.

(6) Except as provided in this section and sections 37-407 and 37-418, it shall be unlawful for any nonresident to trap or attempt to trap or to harvest fur or attempt to harvest fur from any wild mammal.

(7) It shall be unlawful for anyone to lure or entice wildlife into a domesticated cervine animal facility for the purpose of containing such wildlife.

(8) (a) Any person violating this section shall be guilty of a Class II misdemeanor and shall be fined at least seventy-five dollars.

(b) If the offense is failure to hold a hunting, fishing, fur-harvesting, deer, turkey, or antelope permit as required, unless issuance of the required permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit proof of such purchase to the court.

Sec. 4. Section 37-415, Reissue Revised Statutes of Nebraska, is amended to read:

37-415. (1) The commission may issue to any Nebraska resident a lifetime fishing, hunting, or combination hunting and fishing permit upon application and payment of the appropriate fee. The fee for a resident lifetime hunting permit shall be not less than ~~two hundred sixty~~ one hundred twenty-five dollars and not more than two hundred ninety-nine dollars, the fee for a resident lifetime fishing permit shall be not less than ~~three hundred one hundred seventy-five~~ dollars plus the cost of a lifetime aquatic habitat stamp, and the fee for a resident lifetime combination hunting and fishing permit shall be not less than ~~five hundred twenty~~ two hundred seventy-five dollars and not more than five hundred ninety-eight dollars plus the cost of a lifetime aquatic habitat stamp, as such fees are established by the commission pursuant to section 37-327. Payment of the fee shall be made in a lump sum at the time of application.

(2) A resident lifetime permit shall not be made invalid by reason of the holder subsequently residing outside the state.

(3) The commission may issue to any nonresident a lifetime fishing, hunting, or combination hunting and fishing permit upon application and payment of the appropriate fee. The fee for a nonresident lifetime hunting permit shall be not less than six hundred twenty-five dollars and not more than twelve hundred fifty dollars, the fee for a nonresident lifetime fishing permit shall be not less than four hundred fifty dollars and not more than eight hundred fifty dollars plus the cost of a lifetime aquatic habitat stamp, and the fee for a nonresident lifetime combination hunting and fishing permit shall be not less than nine hundred seventy-five dollars and not more than two thousand dollars plus the cost of a lifetime aquatic habitat stamp, as such fees are established by the commission pursuant to section 37-327. Payment of the fee shall be made in a lump sum at the time of application.

(4) A replacement resident or nonresident lifetime permit may be issued if the original has been lost or destroyed. The fee for a replacement shall be not less than one dollar and fifty cents and not more than five dollars, as established by the commission.

~~(4)~~ (5) The commission shall may adopt and promulgate rules and regulations to carry out this section and sections 37-416 and 37-417. Such rules and regulations may include, but need not be limited to, establishing fees which vary based on the age of the applicant.

Sec. 5. Section 37-416, Reissue Revised Statutes of Nebraska, is amended to read:

37-416. Lifetime hunting, fishing, or combination hunting and fishing permits shall not allow fur harvesting, the hunting of elk, mountain sheep, deer, antelope, or wild turkey, or other hunting or fishing done under authority of any special permit. The holder of a lifetime permit is required to purchase habitat stamps, aquatic habitat stamps, and Nebraska migratory waterfowl stamps pursuant to section 37-426. ~~but is not required to purchase aquatic habitat stamps pursuant to such section.~~

Sec. 6. Section 37-420, Reissue Revised Statutes of Nebraska, is amended to read:

37-420. Any veteran of any war as defined in section 80-401.01 who is a legal resident of the State of Nebraska and who was discharged or separated with a characterization of honorable or general (under honorable conditions) (1) who is rated by the United States Department of Veterans Affairs as fifty percent or more disabled as a result of service in the armed forces of the United States, or (2) who is receiving a pension from the department as a result of total and permanent disability, which disability was not incurred in line of duty in the military service, ~~or (3) who is sixty-five years of age or older~~ shall be exempt from the payment of any fees provided by the laws of the State of Nebraska and established by the commission pursuant to section 37-327 for the privilege of fishing or hunting in Nebraska, except that such exemption shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited to a restricted number of permits or to special permits for a restricted area or game management unit. If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permits shall not authorize any person to shoot from any public highway. All permits issued without the payment of any fees pursuant to this section shall be perpetual and become void only upon termination of eligibility as provided in this section. The commission may adopt and promulgate rules and regulations necessary to carry out this section.

Permits issued under subdivision (3) of this section as it existed prior to the operative date of this section shall not expire as provided in section 37-421.

Sec. 7. Section 37-421, Reissue Revised Statutes of Nebraska, is amended to read:

37-421. Any (1) The commission may issue an annual combination fishing and hunting permit upon application and payment of a fee of five dollars to (a) any Nebraska resident who is a veteran of any war as defined in section 80-401.01, who is sixty-four years of age or older, and who was discharged or separated with a characterization of honorable or general (under honorable conditions) or (b) any Nebraska resident who is sixty-nine years of age or older. A person who is at least seventy years old and a resident of this state issued a permit under this section shall be exempt from the payment of any additional fees provided by the laws of the State of Nebraska and established by the commission pursuant to section 37-327 for the privilege of fishing or hunting in Nebraska, except that such exemption shall not extend to the privilege of commercial fishing, trapping of fur-bearing animals, or hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited to a restricted number of permits or to special permits for a restricted area or game management unit.

(2) A permit issued without payment of fees as provided in this section shall be a permanent permit which shall not expire as provided in section 37-405. Permits issued under this section as it existed before the operative date of this section shall not expire as provided in section 37-405.

(3) If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permits shall not authorize any person to shoot from any public highway.

(4) The commission may adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 8. Section 37-426, Reissue Revised Statutes of Nebraska, is amended to read:

37-426. (1) Except as provided in subsection ~~(3)~~ (4) of this section:

(a) No resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall hunt, harvest, or possess any game bird, upland game bird, game animal, or fur-bearing animal unless, at the time of such hunting, harvesting, or possessing, such person has an unexpired habitat stamp as prescribed by the rules and regulations of the commission prior to the time of hunting, harvesting, or possessing such bird or animal;

and

(b) No resident or nonresident of Nebraska ~~eighteen years of age or older~~ shall take or possess any aquatic organism requiring a Nebraska fishing permit, including any fish, bullfrog, snapping turtle, tiger salamander, or mussel, unless, at the time of such taking or possessing, such person has an unexpired aquatic habitat stamp as prescribed by the rules and regulations of the commission prior to the time of taking or possessing a fish, bullfrog, snapping turtle, tiger salamander, or mussel; and

(c) No resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall hunt, harvest, or possess any migratory waterfowl unless, at the time of such hunting, harvesting, or possessing, such person has an unexpired Nebraska migratory waterfowl stamp as prescribed by the rules and regulations of the commission prior to the time of hunting, harvesting, or possessing such migratory waterfowl.

(2) ~~The commission may issue to any Nebraska resident a lifetime habitat stamp upon application and payment of the appropriate fee. The fee for a lifetime habitat stamp shall be twenty times the fee required in subsection (4) (5) of this section for annual habitat stamps. Payment of such fee shall be made in a lump sum at the time of application. A lifetime habitat stamp shall not be made invalid by reason of the holder subsequently residing outside the state. A replacement lifetime habitat stamp may be issued if the original is lost or destroyed. The fee for a replacement shall be not less than one dollar and fifty cents and not more than five dollars, as established by the commission.~~

(3) The commission may issue a lifetime aquatic habitat stamp upon application and payment of the appropriate fee. The fee for a lifetime aquatic habitat stamp shall be not less than seventy-five dollars and not more than one hundred twenty-five dollars as established by the commission pursuant to section 37-327. Payment of such fee shall be made in a lump sum at the time of application. A lifetime aquatic habitat stamp shall not be made invalid by reason of the holder subsequently residing outside the state. A replacement lifetime aquatic habitat stamp may be issued if the original is lost or destroyed. The fee for a replacement shall not be less than one dollar and fifty cents and not more than five dollars, as established by the commission.

(4) Habitat stamps are not required for holders of limited permits issued under section 37-455. Aquatic habitat stamps are not required (a) when a fishing permit is not required, (b) for holders of permits pursuant to section 37-424, or (c) for holders of lifetime fishing permits or lifetime combination hunting and fishing permits purchased prior to January 1, 2006. Nebraska migratory waterfowl stamps are not required for hunting, harvesting, or possessing any species other than ducks, geese, or brant. For purposes of this section, a showing of proof of the electronic issuance of a stamp by the commission shall fulfill the requirements of this section.

~~(4) (5) Any person to whom a stamp has been issued shall, immediately upon request, exhibit evidence of issuance of the stamp to any officer. Any person hunting, fishing, harvesting, or possessing any game bird, upland game bird, game animal, or fur-bearing animal or any aquatic organism requiring a fishing permit in this state without evidence of issuance of the appropriate stamp shall be deemed to be without such stamp. A habitat stamp shall be issued upon the payment of a fee of not less than thirteen dollars and not more than sixteen dollars per stamp. An aquatic habitat stamp shall be issued upon the payment of a fee of not less than five dollars and not more than seven dollars and fifty cents per stamp for annual fishing permits, three-day fishing permits, or combination hunting and fishing permits and a fee of not less than seventy-five dollars and not more than one hundred dollars for lifetime fishing or combination hunting and fishing permits. The fee established under section 37-407 for a one-day fishing permit shall include an aquatic habitat stamp. One dollar from the sale of each one-day fishing permit shall be remitted to the State Treasurer for credit to the Nebraska Aquatic Habitat Fund. A Nebraska migratory waterfowl stamp shall be issued upon the payment of a fee of not less than five dollars and not more than ten dollars per stamp. The commission shall establish the fees pursuant to section 37-327.~~

Sec. 9. Section 37-427, Reissue Revised Statutes of Nebraska, is amended to read:

37-427. The habitat stamp, ~~ex~~ aquatic habitat stamp, or Nebraska migratory waterfowl stamp required by section 37-426 is not transferable and, except for the lifetime habitat stamp, the lifetime aquatic habitat stamp, and a habitat stamp purchased for a permit which is valid into the next calendar year, expires at midnight on December 31 in the year for which the stamp is issued.

Sec. 10. Section 37-428, Reissue Revised Statutes of Nebraska, is amended to read:

37-428. It shall be unlawful: (1) For any person who has a stamp under sections 37-426 to 37-433 to lend or transfer the stamp to another person or for any person to borrow or use the stamp of another; (2) for any person to (a) procure a stamp under an assumed name, (b) falsely state the place of his or her legal residence in procuring the stamp, or (c) make any other false statement in procuring the stamp; (3) for any person to knowingly issue or aid in securing a stamp under sections 37-426 to 37-433 for any person not legally entitled thereto; (4) for any person disqualified for a stamp to take or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel, to hunt game birds, upland game birds, or game animals, or to harvest fur-bearing animals with or without a stamp during any period when such right has been forfeited or for which his or her stamp has been revoked by the commission; or (5) for anyone to take or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel, to hunt game birds, migratory waterfowl, upland game birds, or game animals, or to harvest fur-bearing animals without a permit as required by section 37-401 and the appropriate stamp as required by the Game Law. Any person violating any of the provisions of sections 37-426 to 37-433 shall be guilty of a Class V misdemeanor and the court shall require the offender to purchase the required stamp, and any stamp obtained or used in violation of sections 37-426 to 37-433 shall be canceled and confiscated, if appropriate, by the court.

It shall be an affirmative defense to prosecution for any violation of sections 37-426 to 37-433 for which possession is an element of the offense that such possession was not the result of effort or determination or that the actor was unaware of his or her physical possession or control for a sufficient period to have been able to terminate such possession or control.

Sec. 11. Section 37-429, Reissue Revised Statutes of Nebraska, is amended to read:

37-429. The commission shall provide for the issuance of habitat stamps, ~~and~~ aquatic habitat stamps, and Nebraska migratory waterfowl stamps in the manner provided in section 37-406.

Sec. 12. Section 37-431, Reissue Revised Statutes of Nebraska, is amended to read:

37-431. (1) (a) The Nebraska Habitat Fund is created. The commission shall remit ~~the fees received for habitat stamp fees stamps and Nebraska migratory waterfowl stamps~~ to the State Treasurer for credit to the Nebraska Habitat Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No expenditure shall be made from the Nebraska Habitat Fund until the commission has presented a habitat plan to the Committee on Appropriations of the Legislature for its approval.

(b) Fees received for lifetime habitat stamps shall be credited to the Nebraska Habitat Fund and shall not be expended but may be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Income from such investments may be expended by the commission pursuant to section 37-432.

(2) (a) The Nebraska Aquatic Habitat Fund is created. The commission shall remit ~~the fees received for aquatic habitat stamp fees stamps and one dollar of the one-day fishing permit fee as provided in section 37-426 to the State Treasurer for credit to the Nebraska Aquatic Habitat Fund.~~ Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No expenditure shall be made from the Nebraska Aquatic Habitat Fund until the commission has presented a habitat plan to the Committee on Appropriations and the Committee on Natural Resources of the Legislature for their approval.

(b) Fees received for lifetime aquatic habitat stamps shall be credited to the Nebraska Aquatic Habitat Fund and shall not be expended but may be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Income from such investments may be expended by the commission pursuant to section 37-432.

(3) The secretary of the commission and any county clerk or public official designated to sell habitat stamps, ~~or~~ aquatic habitat stamps, or Nebraska migratory waterfowl stamps shall be liable upon their official bonds or equivalent commercial insurance policy for failure to remit the money from the sale of the stamps, as required by sections 37-426 to 37-433, coming into their hands. Any agent who receives stamp fees and who fails to remit the fees to the commission within a reasonable time after demand by the commission

shall be liable to the commission in damages for double the amount of the funds wrongfully withheld. Any agent who purposefully fails to remit such fees with the intention of converting them is guilty of theft. The penalty for such violation shall be determined by the amount converted as specified in section 28-518.

Sec. 13. Section 37-432, Reissue Revised Statutes of Nebraska, is amended to read:

37-432. (1) All money received from the sale of habitat stamps, as provided by sections 37-426 to 37-433, shall be administered by the commission for the acquisition on a willing-seller willing-buyer basis only, leasing, ~~taking of easements,~~ development, management, and enhancement of and taking of easements on wildlife lands and habitat areas. Such funds may be used in whole or in part for the matching of federal funds.

(2) All money received from the sale of aquatic habitat stamps, as provided by sections 37-426 to 37-433, shall be administered by the commission and shall be used first for the maintenance and restoration of existing aquatic habitat, if maintenance and restoration is practicable, and second for the enhancement of existing aquatic habitat. Such funds may be used in whole or in part for the matching of federal funds.

(3) All money received from the sale of Nebraska migratory waterfowl stamps, as provided by sections 37-426 to 37-433, shall be administered by the commission for the acquisition on a willing-seller willing-buyer basis only, leasing, development, management, and enhancement of and taking of easements on migratory waterfowl habitat. Such funds may be used in whole or in part for the matching of federal funds.

Sec. 14. Section 37-438, Reissue Revised Statutes of Nebraska, is amended to read:

37-438. (1) The commission shall devise permits in two forms: Annual and temporary.

(2) The annual permit may be purchased by any person and shall be valid through December 31 in the year for which the permit is issued. The fee for the annual permit for a resident motor vehicle shall be not less than fourteen dollars and not more than twenty dollars per permit. The fee for the annual permit for a nonresident motor vehicle shall not be more than twenty-five dollars. The commission shall establish such fees by the adoption and promulgation of rules and regulations.

(3) A temporary permit may be purchased by any person and shall be valid until noon of the day following the date of issue. The fee for the temporary permit for a resident motor vehicle shall be, until January 1, 2007, not more than three dollars, and on and after January 1, 2007, not more than four dollars. The fee for the temporary permit for a nonresident motor vehicle shall not be more than five dollars. The commission shall establish such fees by the adoption and promulgation of rules and regulations. The commission may issue temporary permits which are either valid for any area or valid for a single area.

Sec. 15. Section 37-447, Reissue Revised Statutes of Nebraska, is amended to read:

37-447. (1) The commission may issue permits for the hunting of deer and prescribe and establish regulations and limitations for the hunting, transportation, and possession of deer. The commission may specify by regulation the information to be required on applications for such permits. Regulations and limitations for the hunting, transportation, and possession of deer may include, but not be limited to, regulations and limitations as to the type, caliber, and other specifications of firearms and ammunition used and specifications for bows and arrows used. Such regulations and limitations may further specify and limit the method of hunting deer and may provide for dividing the state into management units or areas, and the commission may enact different deer hunting regulations for the different management units pertaining to sex, species, and age of the deer hunted.

(2) The number of such permits may be limited as provided by the rules and regulations of the commission, and except as provided in section 37-454, the permits shall be disposed of in an impartial manner. Whenever the commission deems it advisable to limit the number of permits issued for any or all management units, the commission shall, by rules and regulations, determine who shall be eligible to obtain such permits. In establishing eligibility, the commission may give preference to persons who did not receive a permit during the previous year or years.

(3) Such permits may be issued to allow deer hunting in the Nebraska National Forest and other game reserves and such other areas as the commission may designate whenever the commission deems that permitting such hunting will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas.

(4) The commission shall, pursuant to section 37-327, establish and charge a fee of ~~not less than twenty-five dollars~~ and not more than twenty-nine dollars for residents and ~~not less than one hundred seventy-five dollars~~ and not more than two hundred fourteen dollars for nonresidents for each permit issued under this section, except that the fee for a statewide buck-only permit shall be two and one-half times the amount of a regular deer permit.

(5) The commission may issue nonresident permits after preference has been given for the issuance of resident permits as provided in rules and regulations adopted and promulgated by the commission. The commission may require a predetermined application period for permit applications in specified management units. Such permits shall be issued after a reasonable period for making application, as established by the commission, has expired. When more valid applications are received for a designated management unit than there are permits available, such permits shall be allocated on the basis of a random drawing. All valid applications received during the predetermined application period shall be considered equally in any such random drawing without regard to time of receipt of such applications by the commission.

Sec. 16. Section 37-450, Reissue Revised Statutes of Nebraska, is amended to read:

37-450. The commission may issue permits for hunting elk and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in sections 37-447 and 37-452 for hunting deer. Permits to hunt elk issued pursuant to this section shall not be issued to nonresidents. The commission shall, pursuant to section 37-327, establish and charge a nonrefundable application fee of not less than seven dollars and not more than eight dollars and fifty cents and a fee of not less than one hundred thirty dollars and not more than one hundred forty-nine dollars and fifty cents for each elk permit issued. A person may obtain only one antlered-elk ~~elk~~ permit in his or her lifetime except for a limited permit to hunt elk pursuant to section 37-455. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in sections 37-447 and 37-452 shall also apply to the distribution of elk permits.

Sec. 17. Section 37-452, Reissue Revised Statutes of Nebraska, is amended to read:

37-452. No person shall be issued a permit to hunt deer, antelope, elk, wild turkey, or mountain sheep unless such person is at least twelve years of age, except that any person who is twelve through fifteen years of age shall only hunt deer, antelope, elk, wild turkey, or mountain sheep when accompanied by a person twenty-one years of age or over having a valid hunting permit.

Sec. 18. The commission may issue auction or lottery permits for up to five permits each for antelope and elk and up to twenty-five permits each for deer and wild turkey during the calendar year. Included in that number are single species and combination species permits and shared revenue permits that may be issued by the commission. The shared revenue permits may be issued under agreements with nonprofit conservation organizations and may be issued by auction or lottery, with the commission receiving at least eighty percent of any profit realized. The commission shall by rule and regulation adopt limitations for any such permits that are issued. The auction or lottery shall be conducted according to rules and regulations adopted and promulgated by the commission.

Sec. 19. Section 37-457, Reissue Revised Statutes of Nebraska, is amended to read:

37-457. (1) The commission may issue permits for hunting wild turkey and prescribe and establish regulations and limitations for the hunting, transportation, and possession of wild turkey. The number of such permits may be limited as provided by the regulations of the commission, but the permits shall be disposed of in an impartial manner. Such permits may be issued to allow wild turkey hunting in the Nebraska National Forest and other game reserves and such other areas as the commission may designate whenever the commission deems that permitting such hunting would not be detrimental to the proper preservation of wildlife in such forest, reserves, or areas.

(2) The commission shall, pursuant to section 37-327, establish and charge a fee of not less than twenty dollars and not more than twenty-three dollars for residents and not less than ~~sixty-five~~ eighty-five dollars and not more than ~~seventy-five~~ ninety-five dollars for nonresidents for each permit issued under this section.

(3) The commission may issue nonresident permits after preference has been given for the issuance of resident permits as provided in rules and regulations adopted and promulgated by the commission. The commission may

require a predetermined application period for permit applications in specified management units.

(4) The provisions of ~~sections 37-447 and 37-452~~ section 37-447 for the distribution of deer permits also shall apply to the distribution of wild turkey permits. No permit to hunt wild turkey shall be issued without payment of the fee required by this section.

Sec. 20. Section 37-538, Reissue Revised Statutes of Nebraska, is amended to read:

37-538. Except as provided in section 37-420 and except for a disabled person holding a special permit to hunt and fish from a vehicle issued under section 37-421, it shall be unlawful to hunt any game birds from a vehicle of any kind. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least fifty dollars.

Sec. 21. Sections 14, 21, and 22 of this act become operative on their effective date. The other sections of this act become operative on January 1, 2006.

Sec. 22. Original section 37-438, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 23. Original sections 37-201, 37-407, 37-411, 37-415, 37-416, 37-420, 37-421, 37-426, 37-427, 37-428, 37-429, 37-431, 37-432, 37-447, 37-450, 37-452, 37-457, and 37-538, Reissue Revised Statutes of Nebraska, are repealed.